



# NEW MEXICO

## CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-082801 Lump Sum Awards	Issued: 6/12/03 Effective: 6/12/03	Reviewed: 5/13/20 Revised: 5/13/20
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

### AUTHORITY:

CD-082800

### PROCEDURES: [5-7A-4461] [5-7B-4480]

In addition to an inmate's eligibility for quarterly good time, the inmate may also be eligible for Lump Sum Awards. An inmate may be eligible for a Lump Sum Award, not to exceed one (1) year per award and not to exceed a total of one (1) year for all LSA's awarded in any consecutive twelve (12) month period.

#### A. General Eligibility Criteria:

1. The effective date to reconsider Lump Sum Awards (LSA) that were awarded based on the commensurate language is November 1, 2016 (completion of program).
2. All programs must meet program certification.
3. Each program must consist of a minimum of 100 hours of supervised activity on the part of inmate participants with exception to the High School Diploma or High School Equivalency Credential.
4. All programs must be referred with a program plan that contains a curriculum, a statement as to the purpose of the program, program objectives, and a mechanism to assess successful completion through the responsible Division Director or Bureau Chief to the Deputy Secretary for approval.
5. Faithful observance of the rules of the institution is demonstrated by six (6) months (or since arrival at RDC, whichever is shorter) clear conduct of minor reports, twelve (12) months clear of a major report and exemplary work/program participation from the incident date of the last misconduct report to the date of the specific act or of the completion of the program qualifying the inmate for the lump sum award.
6. If an inmate is away from the facility for thirty days or less due to medical issues or court appearances and his/her good time is prorated due to that absence the inmate may still be considered for an LSA as long as all other criteria are met.
7. If an inmate sanctioned to serve disciplinary restrictive housing is not placed into restrictive housing to serve the sanction within one (1) year from the date of final disposition, through no fault of his or her own, the inmate may still be considered for an LSA as long as all other criteria are met.

EXHIBIT

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8. If an inmate subsequently receives a Misconduct Report, after having maintained clear conduct for six (6) months of minor reports, twelve (12) months clear conduct of major reports and has otherwise met the eligibility requirements for an LSA, the Classification Committee shall still consider the inmate for the LSA and the subsequent Misconduct Report may be considered as a factor in the LSA decision.
9. For all inmates whose good time falls under either policy *CD-080600* (MD) or policy *CD-080200* (MGT), approved programs must be in addition to normal work or programs that are assigned by the classification committee for which inmates are earning monthly good time and the inmate must still be assigned to the program(s) through the Supervisory Review process. For example, an inmate who is recommended for an LSA for having completed a substance abuse program must also be participating in a normal program assignment such as a job, education, etc., to be eligible for the LSA. As another example, an inmate whose only program assignment is to participate in a RDAP may not receive a lump sum award for completing the RDAP program.
10. For all inmates whose good time falls under policy *CD-080400* (EMD), approved programs do not have to be in addition to normal work or programs that are assigned by the classification committee for which inmates are earning monthly good time.
11. Inmates assigned to multiple programs or to a combination of work and program assignments may not have conflicts in their schedules. For example: If an inmate is assigned to a work program from 7:30 AM to 2:30 PM, he or she cannot be assigned to an education program between the hours of 7:30 AM and 2:30 PM.
12. All programs must be approved at the Deputy Secretary level. The Director of Adult Prisons or the appropriate bureau chief must submit a program plan that contains a curriculum, a statement of the purpose of the program, program objectives, and a mechanism to assess successful completion of the program.
13. Inmates are not eligible for full LSA award if the completion date of the program is within 45 days of the projected release date with the Lump Sum factored in. If the addition of the LSA means the PRD is less than 45 days the inmate is eligible for a pro-rated LSA. Utilize CMIS calendar calculator.

EX. PROGRAM COMPLETE DATE: ADD 45 days

If the addition of the LSA means the PRD is less than 45 days the inmate is ineligible for consideration for the full LSA based on the "45 day rule" and the LSA will be pro-rated.

If the addition of the LSA means the PRD is more than 45 days the inmate is eligible for consideration for the full LSA (45 day rule will NOT apply)

For Example:

12/08/2015 + 45 days = 1/22/2016 if the PRD is 1/22/2016 or before- the inmate's LSA will be prorated.

12/08/2015 + 45 days = 1/22/2016 if the PRD is 1/23/2016 or after- the inmate is eligible for the full LSA.

For inmates earning an LSA that will place their PRD to less than 45 days from release, the LSA award will be approved at a pro-rated basis. For situations in which the inmate's PRD reaches 45 days, Offender Management Services (OMS) and Victim's Services staff must be notified of the award via e-mail, and a copy of the e-mail shall be attached to the submitted LSA award.

Pro-rated LSAs will follow the criteria and format in the **Sample Instructions for LSA PRD Calculations** Attachment *CD-082801.A*.

**B. Specific Award Eligibility Criteria:**

1. LSAs are designated for inmates who have engaged in an heroic act of saving life or property; have performed exceptionally meritorious service; have engaged in extraordinary conduct for the benefit of the state or the public that is at great expense, risk or effort, or have engaged in extraordinary conduct far in excess of normal program assignments which demonstrates the inmate's commitment to rehabilitate him or herself.
2. For successful completion of approved programs:
  - a. Approved programs must meet Provider Certification and Program Certification.
  - b. Inmates must be assigned by Classification Supervisory Review process prior to being enrolled in any programs by the facility program providers.
  - c. Each program should consist of a minimum of 100 hours of supervised activity on the part of inmate participants (programs that are less than 100 hours of supervised activity shall be reviewed on a case-by-case basis).
  - d. An inmate is eligible for only one (1) Lump Sum Award per program listed in the **Programs Approved as Eligible for LSA Consideration** table and may not be combined with the use of a certificate or lateral Degree.
3. For Educational Achievement:

In addition to an inmates' eligibility to earn good time based on participation in educational or CTE programs, inmates are also eligible to receive Lump Sum Awards based on their educational or CTE achievements while actively completing educational or CTE programming. These achievements are as follows:

  - a. High School Diploma or High School Equivalency Credential, three (3) months.
  - b. Associate's degree, four (4) months.

- c. Bachelor's degree, five (5) months.
  - d. Graduate degree, five (5) months.
  - e. In order to qualify for LSA for earning an Associate's degree, a Bachelor's degree or Graduate degree, the education program leading to the degree or graduate qualification must either be provided by the Department or a Department contractor or subcontractor; or, the entity providing the education program must be an accredited institution as outlined by CD-121100 Postsecondary Education Policy and the program must be approved in advance by the Department's Education Bureau, the Classification Committee and the Warden.
  - f. All LSAs for educational or CTE programming including classes purchased by the offender must be validated and approved by the Superintendent or designee.
  - g. An inmate may be awarded only one (1) lump sum award for receiving a High School Equivalency Credential.
  - h. An inmate may be awarded only one (1) lump sum award for receiving an Associate's degree. Subsequent Associates degrees are not eligible for an LSA and may not be combined with any CTE college credits.
  - i. An inmate may be awarded only one (1) lump sum award for earning a Bachelor's degree. Subsequent Bachelor's degrees are not eligible for another LSA.
  - j. An inmate may be awarded only one (1) lump sum award for earning a Master's Degree. Subsequent Master's Degrees are not eligible for another LSA.
  - k. An inmate may be awarded only one (1) lump sum award for earning a Ph. D. degree. Subsequent Ph. D. degrees are not eligible for another LSA.
  - l. If an inmate has a demonstrable physical, behavioral health or developmental disability that prevents the inmate from successfully earning a High School Equivalency Credential (as determined by the Unit Management Team or other personnel from the appropriate department), the inmate shall be awarded three (3) months for successfully completing an approved CTE, substance abuse, or Behavioral Health program.
4. For CTE Achievement:

If an inmate passes all prescribed tests at all levels of any approved NCCER Craft Assessment (Journey Level Exam i.e. plumbing levels 1 through 4 not including the final exam) without having any previous certification or need to participate in the

CTE program assignment, the inmate may receive a one month Lump Sum Award upon certification of completing the final exam.

- a. CTE Programming provided by college courses shall only be awarded the LSA upon completion of AA and/or BA or BS. Any LSA that is awarded for a CTE that is attached with college credits will not be awarded the LSA for receiving a degree using the same college credits that was applied to the CTE LSA.
5. The Food Services Management program shall only be coordinated through the education bureau. The Education Manager shall be responsible for reviewing and approving the recommendation and verifying the inmate's eligibility and documented participation in the program for the Lump Sum Award.
6. Lump Sum Awards that are not associated with educational achievement or completion of Approved Programs may not be solicited by an inmate.

**C. Procedural Review:**

Any employee may recommend that an inmate receive a Lump Sum Award for engaging in a heroic act of saving life or property, performing exceptional service, engaging in extraordinary conduct for the benefit of the state or the public that is at great expense, risk or effort by the inmate, or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the inmate's commitment to rehabilitate himself or herself. The LSA is based on calendar days. The Director of Adult Prisons is the only one to approve exceptional service LSA's

1. For successful completion of approved programs, the LSA recommendation from the Instructor or Provider must indicate the dates and number of verified supervised hours of the inmate's participation, quality of the inmate's participation and documented proof of Program Certification requirement has been satisfactorily met.
2. For Educational Achievement, the LSA recommendation from the Instructor or Provider must indicate the date the educational achievement was accomplished. The LSA is awarded based on state statute (i.e. each month awarded will be equivalent to 30 calendar days).
3. For Exceptional Service for the Benefit of the Public or the Department Award, the LSA documentation from the recommending employee must demonstrate the manner by which the inmate devoted a great deal of time and expertise in performing an exceptional service for the benefit of the public or the Department.
  - a. Any special projects, for which inmates are eligible for recommendation for an LSA, must have prior written approval of the Warden or Deputy Warden.

- b. If the basis for the LSA recommendation is that the inmate worked on a project that saved money for the Department, the recommendation must indicate the amount of money saved including calculation of hours, cost etc.
4. All LSA recommendations must include a detailed written explanation of the reason for the recommendation to the responsible facility program manager (i.e., Supervisor of Education, Mental Health Supervisor, and Behavioral Health Manager). The **Recommendation for Lump Sum Award** form (*CD-0802801.1*) must be completed.
5. All LSA recommendations must include:
  - a. A synopsis of the verified supervised program hours participated in.
  - b. For Education, a copy of the original certificate and or degree affiliated with a college, or certification, or licensure, and/or those that are not affiliated with a college, certification, and/or licensure, a copy of their original facility certificate of completion of the program from the responsible facility program manager (i.e. Supervisor of Education, Behavioral Health Supervisor).
  - c. For Education a copy of the participants official testing scores, if the course entails testing scores.
  - d. For Education/Behavioral Health, a copy of the inmate's classification chrono assignment and removal from the program (supervisory/classification committee review).
  - e. For Behavioral Health, a copy of the completed supervised hours and certificate of completion.
6. The responsible facility program manager, will submit the recommendation and verify the inmate's eligibility and documented participation in the program for the Lump Sum Award.
7. The responsible supervisor will review the proposal and shall either recommend approval, denial, or return the LSA recommendation to the recommending manager. If the recommending program manager failed to include all required information on the LSA recommendation, or if the requesting program manager cannot provide documentation supporting satisfactory program participation, this may be grounds for denial of the LSA.
8. The Classification Officer shall be responsible for ensuring all documentation from program providers meets policy criteria and will attach a copy of the committee action assigning the inmate to the program to the LSA packet. The Classification Officer will then review the inmate's file to ensure he or she meets the following policy criteria and complete the LSA packet information:



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- a. Clear conduct for at least six months from minor reports, clear conduct for twelve months from major reports based on the incident date of the last misconduct report through the completion of program.
  - b. Has earned full good time for the last 6 months or has applicable exceptions.
  - c. Number of LSAs and days earned within the last twelve (12) months.
  - d. Date inmate assigned by Committee action to the program (copy of chrono attached).
  - e. Current Projected Release Date and PRD with LSA figured in.
  - f. Updated copies of all of the inmate's good time figuring sheet attached to the LSA packet.
9. The Classification Officer will make a recommendation and forward the completed LSA packet to the Unit Manager or Contract Monitor for review.
10. The Superintendent or Bureau Chief of the program area will review the proposal and must recommend approval, denial, or return the LSA recommendation to the recommending program manager for re-submission if the recommending program manager failed to include all required information on the LSA recommendation. If the requesting program manager cannot provide documentation supporting satisfactory program participation, this could result in denial of the LSA.
11. The Superintendent or Bureau Chief of the program area will then forward all documentation to OMS for tracking and final review.
12. The Director or Deputy Director or Designee (OMS) will review each case individually and has final authority to determine the number of days awarded.
13. OMS will return the LSA packet to the facility.
14. The Facility Records Manager will return the LSA packet to the Classification Officer who will have 10 working days to schedule the inmate for a Classification Review and for the LSA as determined by the Director or Deputy Director of Adult Prisons.
15. For an inmate in a federal or out-of-state facility, Lump Sum Awards may be initiated by the office of the Classification Bureau Chief, but the Director or Deputy Director of Adult Prisons shall determine any award.
16. A Lump Sum Award recommendation that has been denied by the Director or Deputy Director of Adult Prisons due to the inmate's failure to meet the eligibility criteria may not be reconsidered for the same Lump Sum Award at a later date (even if the inmate completes the program again), unless the basis for the original denial resulted from a misconduct report that was later dismissed and the inmate otherwise qualified for the Lump Sum award. However, the inmate may be considered for another LSA at a later date based on the inmate's completion of a different program or project.

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- D. If an inmate is released on parole or discharged and is returned to prison as a parole violator or new commitment, the inmate shall not be eligible for a Lump Sum Award based on actions or programs participated in or completed prior to the inmate's original release.
- E. All Lump Sum Awards shall be recorded in the inmate's file and entered into the CMIS by the OMS Records Manager. The only staff authorized to post Lump Sum Awards are the OMS Records Manager or a OMS Records Coordinator.
- F. All inmate participation in LSA programs shall be thoroughly documented and retained for program review and auditing purposes.
- G. Decisions on LSA awards except on cases described above may not be appealed.

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